

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 3, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-36434 - APPLICANT/OWNER: D2801 WESTWOOD, INC**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION:      APPROVAL**, subject to:**Planning and Development**

1. Conformance to the conditions for Special Use Permit (U-0109-99) and Site Development Plan Review (SD-0063-01) except as amended by conditions herein.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/20/09, except as amended by conditions herein.
4. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a 10-foot Landscape Buffer along a portion of the east perimeter where 15 feet is required.
5. An Exception from Title 19.12 Landscape and Buffer Standards to allow tree spacing less than the minimum required along the west and east perimeter where spacing of 20 feet on center along the east property line and 30 feet on center along the west property lines are required.
6. Pursuant to Title 19.10.010 (H), an off-site parking agreement shall be submitted to the Planning and Development Department and approved by the City Attorney's office prior to the issuance of a certificate of occupancy.
7. The applicant shall work with City staff to determine the most appropriate mapping action necessary to ensure that no property line is located within a building footprint, and that a minimum separation distance of 1,500 feet is maintained between the subject site and the similar use to the north (Artisan). The mapping action shall be completed and recorded prior to issuance of any building permits.
8. Six additional 24-inch box shade trees shall be planted within the north perimeter buffer prior to issuance of certificate of occupancy.

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9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan to include the following; six additional 24-inch box shade trees shall be planted within the north perimeter buffer prior to issuance of a certificate of occupancy.
10. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
11. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
15. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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**Public Works**

17. Coordinate with the Building and Safety Department to determine if existing lot lines are in conflict with the new proposed structure. If it is determined that a mapping or other lot consolidation is required, coordinate with the City Surveyor to determine the most appropriate lot consolidation method.
18. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings.
19. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
20. Site development to comply with all applicable conditions of approval for Site Development Plan Review (SD-0063-01) and all other site-related actions.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing a two-story 11,734 square-foot addition to an existing 25,417 square-foot Sexually Oriented Business at 2801 Westwood Drive. The proposed addition will provide employee facilities and additional entertainment options. The addition includes 6,703 square feet on the first floor and 5,031 square feet on the second floor. The applicant is also adding a 1,187 square-foot unenclosed patio on the southeast portion of the building. The applicant has requested a Waiver of Title 19.12 Landscape and Buffer Standards. The Waiver is minor in nature and is mitigated by the additional landscaping added around the perimeter of the site; therefore, staff is recommending approval of this request. If denied, the proposed addition would not be permitted and the existing Sexually Oriented Business would remain.

**Issues:**

- A Waiver from Title 19.12 Landscape and Buffer Standards is requested to allow a 10-foot Landscape Buffer along a portion of the east perimeter where 15 feet is required.
- A condition has been added to require remapping of the subject site in order to accommodate the proposed addition.
- A condition of approval has been added to require an off-site parking agreement to be submitted to the Planning and Development Department and approved by the City Attorney's office prior to the issuance of a certificate of occupancy.

**BACKGROUND INFORMATION**

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</b></i>	
04/05/00	The City Council approved a Special Use Permit (U-0109-99) for a Liquor Establishment (Tavern) at 2801 Westwood Drive. The Planning Commission and staff recommended denial of the request.
03/29/01	A change of ownership occurred on the indicated date.
01/16/02	The City Council approved a Site Development Plan Review (SD-0063-01) for a 24,093 square-foot Sexually Oriented Business with a Waiver of Perimeter Landscaping on property located at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
08/21/02	The City Council approved an Extension of Time [U-0109-99(2)] of an approved Special Use Permit (U-0109-99), which allowed a Liquor Establishment (Tavern) at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
04/16/03	The City Council approved a Master Sign Plan (MSP-1409) for an approved Sexually Oriented Business at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.

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08/06/03	The City Council approved an Extension of Time (EOT-2333) of an approved Special Use Permit (U-0109-99) which allowed a Liquor Establishment (Tavern) at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
08/20/03	The City Council approved a Master Sign Plan (MSP-2565) for an approved Sexually Oriented Business at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
08/18/04	The City Council approved a Master Sign Plan (MSP-4380) for an approved Sexually Oriented Business at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
09/15/04	The City Council approved a Variance (VAR-4733) to allow an existing 34-foot tall Off-Premise Sign to be raised to 55 feet where 40 feet is the maximum height allowed at 2801 Westwood Drive. The Planning Commission and staff recommended denial of the request.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to change the future land use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of the request.
08/27/08	Planning and Development administratively approved a Site Development Plan Review (SDR-29354) to modify an existing Off-Premise Sign for a digital display on 1.23 acres located at 2801 Westwood Drive.
12/03/09	The Planning Commission will consider a related Special Use Permit (SUP-36436) for a Major Amendment to a previously approved Special Use Permit (U-0109-99) for a proposed 11,734 square-foot addition to an existing Liquor Establishment (Tavern) at 2801 Westwood Drive.
<b><i>Related Building Permits/Business Licenses</i></b>	
09/25/00	A Business License (#T29-00006) was issued for a topless club/boutique at 2801 Westwood Drive. The license remains active at this location.
07/12/02	A Building Permit (#02012503) was issued for a certificate of occupancy for a restaurant at 2801 Westwood Drive. The permit was finalized on 12/04/03.
06/13/03	A Building Permit (#03012256) was issued for a sign at 2801 Westwood Drive. The permit was finalized on 12/15/03.
07/25/03	A Building Permit (#03015969) was issued for a sign at 2801 Westwood Drive. The permit was finalized on 09/24/03.
08/21/03	A Building Permit (#03018001) was issued for a sign at 2801 Westwood Drive. The permit was finalized on 09/15/03.
09/02/03	A Building Permit (#03018862) was issued for a sign at 2801 Westwood Drive. The permit was finalized on 12/03/03.
09/15/03	A Business License (#L16-00264) was issued for a tavern at 2801 Westwood Drive. The license remains active at this location.
04/05/05	A Business License (#C05-02370) was issued for tobacco dealer license at 2801 Westwood Drive. The license remains active at this location.

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10/29/08	A Business License (#V01-00047) was issued for a valet parking license at 2801 Westwood Drive. The license remains active at this location.
11/05/08	A Building Permit (#125482) was issued to upgrade an existing Off-Premise Sign at 2801 Westwood Drive. The permit was finalized on 09/19/09.
<b><i>Pre-Application Meeting</i></b>	
09/29/09	<p>A pre-application meeting was held on the indicated date. The following items were noted:</p> <ul style="list-style-type: none"> <li>• The existing 25,417 square-foot Sexually Oriented Business is proposing to add 11,734 square feet.</li> <li>• The applicant is proposing a Boundary Line Adjustment in order to accommodate the proposed addition.</li> <li>• A new Special Use Permit for a Liquor Establishment (Tavern) is needed as the expansion is more than 10%.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
10/27/09	<p>A field check was completed on the indicated date. The following items were noted:</p> <ul style="list-style-type: none"> <li>• Staff noted the existing Sexually Oriented Business.</li> <li>• Staff noted the proposed area for the expansion to the existing Sexually Oriented Business.</li> <li>• Staff noted the existing landscaping on the subject site.</li> <li>• Staff noted that the overall site was well maintained.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	1.27 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Sexually Oriented Business	LI/R (Light Industry / Research)	M (Industrial)
North	Parking Lot	LI/R (Light Industry / Research)	M (Industrial)
South	Office and Warehouse	C (Commercial)	M (Industrial)
East	Office and Warehouse	LI/R (Light Industry / Research)	M (Industrial)
West	Right-of-Way (Interstate 15)	Right-of-Way (Interstate 15)	Right-of-Way (Interstate 15)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (175-foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08 Development Standards, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	1.27 acres	N/A
Min. Lot Width	100 feet	200 feet	Y
Min. Setbacks			
• Front (east property line)	10 Feet	82 Feet	Y
• Side (north property line)	10 Feet	10 Feet	Y
• Side (south property line)	10 Feet	24 Feet	Y
• Rear (west property line)	Zero Feet	30 Feet	Y
Max. Building Height	N/A	41.5 Feet	N/A
Trash Enclosure	Screened	Screened	By Condition
Mech. Equipment	Screened	Screened	By Condition

*Pursuant to Title 19.18.060, the following standards apply:*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	42 Trees	48 Trees	Y
Buffer:				
Min. Trees				
North property line	1 Tree/ 30 Linear Feet	10 Trees	4 Trees	By Condition
South property line	1 Tree/ 30 Linear Feet	10 Trees	23 Trees	Y
West property line	1 Tree/ 30 Linear Feet	7 Trees	4 Trees	N
East property line	1 Tree/ 20 Linear Feet	10 Trees	7 Trees	N
<b>TOTAL</b>		79 Trees	86 Trees	Y
Min. Zone Width				
North property buffer	8 Feet		10 Feet	Y
South property buffer	8 Feet		8 Feet	Y
West property buffer	8 Feet		8 Feet	Y
East property buffer	15 Feet		10 Feet	N



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*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Sexually Oriented Business	37,151 SF	One space for each 250 sf of gfa	149	5	249	5	Y
TOTAL			149		249		Y

<b>Waiver and Exception</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
10-foot landscape buffer along a portion of the east perimeter buffer	15-foot landscape buffer along the east perimeter buffer	Approval
Less than the required number of trees along the north, west and east property lines	One tree every 30 linear feet along the west property line and 20 feet along the east property line	Approval

## ANALYSIS

- Site Plan**

The existing Sexually Oriented Business is located on a 1.27 acre site at 2801 Westwood Drive. The proposed site plan indicates a property line, which bisects the addition to the existing building. A condition of approval has been added requiring an appropriate mapping action prior to issuance of building permits. The site plan indicates an existing 25,417 square-foot Sexually Oriented Business and a proposed 11,734 square-foot addition. The overall square-footage totals 37,151 square feet. There are 249 existing parking spaces, which are located on an adjacent parcel to the north, which is also owned by the applicant. Twenty-Nine parking spaces are being removed from the existing parking lot due to the addition. This results in a total of 249 parking spaces, which is 100 more than required by Title 19. A condition of approval has been added to require that a parking agreement be submitted to the Planning and Development Department and approved by the City Attorney's office prior to the issuance of a certificate of occupancy. The overall site is accessed from Westwood Drive, a 51-foot Local Street.



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- **Landscape Plan**

The majority of the overall site contains existing landscaping, which was installed with the completion of the existing Sexually Oriented Business. Since the applicant is proposing an 11,734 square-foot addition, all landscaping is required to be brought into conformance pursuant to Title 19.12 requirements. New landscaping is being provided around the addition and the parking area. Portions of the existing landscaping on the subject site are unchanged; therefore, the applicant is requesting a Waiver of Title 19.12 Landscape and Buffer Standards to allow a 10-foot landscape buffer where 15 feet is the minimum required. The applicant also fails to meet tree spacing requirements along the east and west perimeter buffers. An Exception of this requirement has been requested. A condition of approval has been added, which requires six additional 24-inch shade trees to be located in the north buffer prior to issuance of a certificate of occupancy.

- **Elevations/Floor Plan**

The elevations depict an existing 41.5-foot high Sexually Oriented Business. The proposed addition is indicated at a similar height and two stories. The proposed elevations are consistent with the originally approved building. The building materials, color and design match the existing structure. The floor plan indicates a new club area, bar and restrooms.

## **FINDINGS**

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed addition to the existing Sexually Oriented Business is compatible with development in the area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development fails to meet all Perimeter Landscape and Buffer standards, but the requested Waiver is minimal in nature and the remainder of the on-site landscaping meets or exceeds the minimum requirements.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

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Access to the site is provided from Westwood Drive, which is a 51-foot Local Street. Westwood Drive is adequate to facilitate the traffic generated by the proposed expansion of the Sexually Oriented Business.

**4. Building and landscape materials are appropriate for the area and for the City;**

The proposed landscape materials, as conditioned, are appropriate for the area and for the City.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed building elevations will be harmonious with the existing Sexually Oriented Business and will be compatible with adjacent development in the area.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed addition to the existing Sexually Oriented Business will be subject to final Building and Safety and Planning and Development inspections; therefore this development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED**

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**APPROVALS**

2

**PROTESTS**

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